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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

JONATHAN BODINE BONYHARD,

Defendant and Appellant.

H045623

(Santa Cruz County

Super. Ct. Nos. F21660, F27043)

Defendant appeals from related criminal judgments, one entered pursuant to a jury conviction and the other by guilty plea. Appointed counsel filed an opening brief summarizing the cases but raising no issues. We notified defendant of his right to submit written argument on his own behalf. Defendant has not done so.

Pursuant to *People v. Wende* (1979) 25 Cal.3d 436 and *People v. Kelly* (2006) 40 Cal.4th 106, we have reviewed the entire record and find no arguable issue for resolution by this court. Following the California Supreme Court's direction in *Kelly*, we provide "a brief description of the facts and procedural history of the case, the crimes of which the defendant was convicted, and the punishment imposed." (*Id.* at p. 110.)

In case No. F21660, following a preliminary hearing defendant was charged with possession of a destructive device, possession of a controlled substance, possession of drug paraphernalia, domestic battery, and simple battery, all alleged to have occurred on October 16, 2011. According to the probation report, officers initiated a traffic stop on defendant after receiving a report that he had brandished a gun at his ex-girlfriend and her

friend that morning and was later involved in a physical altercation with them which was witnessed by bystanders. A search of defendant's car uncovered hypodermic needles, methamphetamine, marijuana, and an explosive device described as a firebomb or Molotov cocktail. The device, located in a metal safe in the trunk of the car, consisted of a sock "ziplocked" onto a glass bottle containing what appeared to be liquid gasoline, and which was found to be flammable.

Defendant filed unsuccessful motions to suppress evidence and to have the explosive device charge reduced to a misdemeanor or the probation ineligibility allegation dismissed. On the eve of trial in March 2014, the battery counts were dismissed on motion of the prosecutor, the trial court granted defendant's in limine motions to dismiss the drug charges, and a first amended information was filed charging defendant with a sole count of possessing an explosive device. (Former Pen. Code, § 12303.) A jury found defendant guilty of that charge.

Defendant failed to appear for sentencing the following month. A bench warrant was issued, and the district attorney filed a criminal complaint charging defendant with failing to appear while on bail. (Case. No. F27043; Pen. Code, § 1320.5.) In November 2017 defendant surrendered to authorities in San Diego, after having fled to Mexico in 2014. He pleaded guilty to that charge.

Defendant was sentenced in March 2018 to the middle term of eight months for failing to appear, consecutive to the middle term of two years for possessing a destructive device. On each count the court imposed a \$300 restitution fine (Pen. Code, § 1202.4, subd. (b)), a suspended \$300 parole revocation restitution fine (Pen. Code, § 1202.45), a \$40 court operations assessment (Pen. Code, § 1465.8), and a \$30 conviction assessment (Gov. Code, § 70373).

### **DISPOSITION**

The judgments are affirmed.

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Grover, J.

**WE CONCUR:**

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Mihara, Acting P. J.

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Danner, J.

**H045623 - *People v. Bonyhard***